

BOARD OF REGISTERED NURSING

P.O. Box 944210, Sacramento, CA 94244-2100

P (916) 322-3350 | www.rn.ca.gov

Ruth Ann Terry, MPH, RN, Executive Officer



**NURSE PRACTITIONERS COSIGN WORKERS' COMPENSATION
CLAIMANT REPORT**

Effective January 1, 2005

Section 3209.10 to the Labor Code gives nurse practitioners the ability to cosign Doctor's First Report of Occupational Injury or Illness for a workers' compensation claim to receive time off from work for a period not to exceed three (3) calendar days if that authority is included in standardized procedures or protocols. The treating physician is required to sign the report and to make any determination of any temporary disability. **(AB 2919 (Ridley-Thomas) extends the operation of this provision indefinitely.)**

The Labor Code requires the physician treating a workers' compensation claimant for injuries to submit a report called "Doctor's First Report of Occupational Injury or Illness" to the employer within five (5) working days from the date of the initial examination. (AB 1194, Chapter 229 (Correa), Effective September 1, 2001 included nurse practitioners and physician assistants.)

The new sections of the Labor Code are as follows:

SECTION 1. Section 3209.10 is added to the Labor Code, to read:

3209.10. (a) Medical treatment of a work-related injury required to cure or relieve the effects of the injury may be provided by a state licensed physician assistant or nurse practitioner, acting under the review or supervision of a physician and surgeon pursuant to standardized procedures or protocols within their lawfully authorized scope of practice. The reviewing or supervising physician and surgeon of the physician assistant or nurse practitioner shall be deemed to be the treating physician. For the purposes of this section, "medical treatment" includes the authority of the nurse practitioner or physician assistant to authorize the patient to receive time off from work for a period not to exceed three calendar days if that authority is included in a standardized procedure or protocol approved by the supervising physician. The nurse practitioner or physician assistant may cosign the Doctor's First Report of Occupational Injury or Illness. The treating physician shall make any determination of temporary disability and shall sign the report.

(b) The provision of subdivision (a) that requires the cosignature of the treating physician applies to this section only and it is not the intent of the Legislature that the requirement apply to any other section of law or to any other statute or regulation. Nothing in this section implies that a nurse practitioner or physician assistant is a physician as defined in Section 3209.3.

(c) This section shall remain in effect only until January 1, 2006, and on that date is repealed, unless a later enacted statute that is enacted before January 1, 2006, deletes or extends that date.

SEC. 2. The addition of Section 3209.10 to the Labor Code made by this act does not constitute a change in, but is declaratory of, existing law and neither expands nor limits the scope of practice of nurse practitioners or physician assistants with regard to the delivery of care pursuant to Division 4 of the Labor Code.

SEC. 3. In enacting this act, the Legislature intends to abrogate the opinions expressed by the Administrative Director of the Division of Workers' Compensation as set forth in Minnie Martin v. Los Angeles Unified School District, AD No. 9786-4895, July 6, 1999, to the extent that it precluded a physician assistant from practicing within the scope of the protocol approved by the supervising physician and their lawful scope of practice.